

REMARKS

Claims 1 through 5, 9, 10 and 15 are now pending in this application. In response to the non-final Office Action dated August 5, 2005, claims 1 through 5, 9, 10 have been amended, claims 6 through 8 and 11 through 14 have been cancelled, and new claim 15 has been submitted. Care has been taken to avoid the introduction of new matter. Favorable reconsideration of the application as now amended and allowance thereof are respectfully solicited.

In response to the holding, at paragraphs 2 and 3 of the Office Action, that claims 11 through 14 are substantial duplicates of other claims, these claims have been cancelled.

Claims 1 through 14 were rejected under the second paragraph of 35 U.S.C. § 112. The Office Action states that the claims are generally narrative and indefinite and fails to conform with current U.S. practice. No such instances in the claims are identified. In response, the claims have been reviewed and claims 1 through 5, 9, 10 have been amended. Grammatical and idiomatic errors have been corrected. In further response, it is submitted that the statement of the rejection has not met the burden to establish a *prima facie* case. The Office Action does not describe what “current U.S. practice” has not been met, nor set forth any instances to support a conclusion of indefiniteness. The second paragraph of 35 U.S.C. § 112 does not address or prohibit the use of narrative language or translation into English language of recitation of foreign language origination. What the statute does require is that the claim particularly point out and distinctly claim the subject matter that applicant regards as his invention. It is submitted that the claims as amended meet this criterion. A person of ordinary skill in the art, when considering the claims in light of the accompanying specification, would be able to understand what subject matter is claimed as invention. Withdrawal of the rejection is respectfully solicited.

Claims 1 through 4, 9, 11 and 13 have been rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. The terms “digital device” and “program” were identified by the Office Action to be “non-statutory” because they were not “tangibly embodied.” Issue is taken with these holdings as these preamble terms were further defined in the body of the claims by “means-plus-function” type limitations. Under the sixth paragraph of 35 U.S.C. § 112, a claim element is permitted to be expressed as a means or step for performing a specified function and is to be construed to cover the corresponding structure or acts described in the specification. These elements are “tangible embodiments.” To resolve this issue, the claims have been amended to recite a task management device in place of digital device and to recite a program product storing a computer program in claim 9. Withdrawal of the rejection is respectfully solicited.

Claims 1 through 14 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. patent 6,253,225 (Nakahara). In response, claims 1 through 5, 9, 10 have been amended. In amended claim 1, the task management device is configured so that the attribute of the current-executing function indicating that the current executing function is the system library function or other functions is stored in the task attribute information storage means, and task execution determination means, in response to the query from the program execution means, determines not to abort the current-executing function when the attribute of the current-executing function is the system library function, or for determining to abort the current-executing task when the attribute of the current-executing function is the other function.

On the contrary, Nakahara does not disclose such limitations. Nakahara discloses a system wherein the abortion cannot be executed when the abortion prohibit flag is ON. Nakahara, however, is configured so as to set the abort prohibition to all the functions. In result,

when the function should be aborted because of bugs, it is not possible to execute the abortion.

Such trouble occurs when a program prepared by users includes a malicious closed loop, for example. When the abortion prohibition is set by such program, the abortion cannot be executed. The user has to switch off the computer to settle such trouble.

In the amended claims, the task management device is configured to determine to execute the abortion based on the attribute of the current-executing function. That is, a flexible control can be accomplished for the abortion in such a manner that when a predetermined function (the other function except for the system library function) is being executed, the abortion is enabled even in an abort disabled section, whereas during the execution of another function (the system library function) which can cause a failure in the system, an associated task is prevented from being aborted. Such a configuration makes it possible to stabilize the system.

New claim 15 requires that when processing goes back to a function calling the current-executing function, the task execution determination means determines whether or not the calling function is the system library function, or the other function. According to such configuration, when the system library function calls the other function, for example, it is possible to prevent aborting the system library function as well as the other function that is aborted. Therefore, the other function is aborted, but the system library function does not fail to be executed. Nakahara fails to suggest such feature and cannot provide such effect.

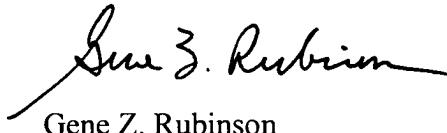
In addition, as long as the attribute of the function is not determined in Nakahara, Nakahara does not describe ‘said information on the attribute of the current-executing function is a name of the function,’ as recited in the amended claim 2.

It is urged, therefore, that claims 1 through 5, 9, 10 and 15 are patentably distinct and allowance of the application is respectfully solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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